

**MEETING CONTINUED FROM JULY 26, 2010**

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA**

Thursday, July 29, 2010

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**AGENDA**

**"Public Charge"**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

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7:00 P.M. Continued Session

1. **Opening of Regular Session** – Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
7. **Consent Agenda (Items pulled from July 26, 2010 meeting)** 20 min.
  - a. Authorize the County Manager to enter into a contract with Urban Ministries of Durham in the amount of \$149,440 to provide emergency shelter services to the homeless population of Durham County;
  - l. Approve Capital Project 11CPA000002 appropriating \$1,000,000 from the Collection System Rehabilitation Fund balance to the Collection System Rehabilitation Project;
  - m. Authorize the County Manager to enter into janitorial service contracts with CJ Enterprise (\$9,410.64), Service Master Clean (\$388,244.00), Top Job Services (\$75,100.92), Fredrick's Housekeeping Services (\$33,768.00), and B&R Janitorial (\$126,730.44) to provide services to twenty-five Durham County buildings;
  - n. Authorize the County Manager to enter into a service contract for Inmate meal preparation and food services with Aramark Correctional Services in the amount not to exceed \$693,955.

10. **Resolution Calling for a November 2, 2010 Durham County Special Referendum on Levying a ¼ cent County Sales and Use Tax (Article 46)**

30 min.

Ad Valorem property taxes have for years been the major source of revenue for NC local governments and the only significant revenue source that county commissioners have control over. Durham County commissioners have requested from the state other optional revenue sources including sales tax options. The Article 44 sales tax was offered to counties (without voter approval) in FY 2002-03, but has since been taken by the state as part of statewide Medicaid Swap legislation.

In 2007 the NC General Assembly granted county governments the authority to levy a ¼ cent county sales and use tax (Article 46) subject to voter approval. This sales tax levy does not have to be split with municipalities within the county. Since 2007 16 counties have had this new sales tax approved by their voters; Alexander, Catawba, Cumberland, Duplin, Haywood, Hertford, Lee, Martin, New Hanover, Onslow, Pitt, Randolph, Rowan, Sampson, Surry and Wilkes. Several counties, Alamance, Bladen, Cherokee and Montgomery are planning to place the referendum on Nov. 2 during the general election. Robeson County is planning on an Aug. 3 referendum, while Watauga County is planning on an Aug. 31 referendum.

Attached is a resolution for BOCC consideration and approval calling for a special referendum on the November 2, 2010 ballot to grant Durham County the authority to enact an additional ¼ cent county sales and use tax (Article 46). Also attached is a copy of the Article 46 legislation.

The NC General Statutes state once a majority of those voting in a referendum give approval to levy the tax, the BOCC “may, by resolution and after 10 days’ public notice, levy a local sales and use tax at a rate of one-quarter percent.” Also, ratified by the Legislature in this past session was a change to allow for collection to begin “only on and after the first day of a calendar quarter, as set by the board of county commissioners in the resolution levying the tax.”

Mike Ashe, Durham County Board of Elections Director, has noted that in order to add an item to the November 2, 2010 ballot the Board of Elections (BOE) would have to have the official request and exact verbiage from the County or Bond Attorney by August 1, 2010.

If Durham County were to move forward with a referendum in November 2010 and it was approved, the new sales tax could be effective April 1, 2011 allowing 3 months collections for FY 2010-11. A full year’s collection of the ¼ cent Article 46 sales tax realized in FY2011-12 is estimated at \$7.8 million.

**Resource Person(s):** Michael Ruffin, County Manager; Lowell Siler, County Attorney; and Pam Meyer, Budget and Management Director

County Manager's Recommendation: The Manager recommends that the Board discuss the item and take action as it deems appropriate.

11. **Board and Commission Appointments**

10 min.

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Area Mental Health Board
- Board of Adjustment
- Juvenile Crime Prevention Council
- Library Board of Trustees
- Nursing Home Community Advisory Committee
- Women's Commission
- Workforce Development Board

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board vote to appoint members to the above mentioned boards/commissioners.

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1 hour 10 min.